IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 7031 OF 2004

The Executive Engineer,
Mechanical Division (II), Pune. ... Petitioner.

V/s.

Shyam Baburao Rupekar. ... Respondent.

A.P.Vanarase, AGP for the petitioner.

Ms.Aradhana Latne i/b. R.V.Bansode
for the respondent.

CORAM: V.C.DAGA, J.

DATED: 13th April 2006.

P.C.:

. Heard learned A.G.P. for the petitioner.

. Perused petition.

2. The petition is directed against the order dated 10th November, 2003 passed in Complaint (ULP) No.288 of 2002 by the Industrial Court, Pune. In para-20 of the impugned order, length of service of the respondent/ complainant is re-produced. In para-21 of the order, the Industrial Court has relied upon clause 10 of the Rules and Conditions of Service, popularly known as "Kalelkar Award".

3. The learned A.G.P. during the course of

hearing tried to find fault with the impugned order contending that clause-10 of the Kalelkar Award has not been properly interpreted and, therefore, the impugned order cannot be said to be a legal order.

4. On being asked, he expressed his inability to produce the text of clause-10 of the Kalelkar Award. One fails to understand how, learned A.G.P. could contend that the interpretation put on clause-10 of Kalelkar Award is erroneous; when he himself is not aware of the text of the said clause. In absence of sufficient material and in absence of text of the said clause, it is not possible to appreciate the submission advanced by the learned A.G.P. It was expected on his part to produce to the text of the Kalelkar Award, which was not difficult for him. However, no efforts were made to produce the same. This petition is pending for admission past two years. The casual approach on the part of the counsel for the State needs to be taken serious note of. However, in view of inadequate material on record, it is not possible to entertain this petition.

5. In the result, petition is dismissed in limine with no order as to costs.

(V.C.DAGA, J.)